

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MINUTES**

DATE: January 11, 2005

TIME: 8:40 A.M.

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue, North
Nashville, TN 37247

BOARD MEMBERS

PRESENT: Kelly Godsey, DPO Chair
Kathy Hawkins, DPO Secretary
Happy Moyer, DPO
Peggy Hannah, DPO
Felda Stacey, DPO

STAFF

PRESENT: Joan Burk, Board Administrator
Nicole Armstrong, Advisory Attorney
Barbara Maxwell, Administrative Director
Stacy Lannan, Administrative Assistant/Licensing Tech.

Mr. Godsey, chair, called the meeting to order at 8:40 A.M. A sufficient number of board members were present to constitute a quorum.

Review Minutes

Upon review of the October 13, 2004 minutes, Mr. Godsey made a motion, seconded by Ms. Moyer, to approve the minutes as written. The motion carried.

Conflict of Interest

Ms. Armstrong requested that each board member sign the Conflict of Interest statement. Ms. Armstrong reminded the members to disclose any interest they may have in matters coming before the board to determine if it would prohibit the member from making a non-biased decision.

Ms. Elisha Hodge, Assistant General Counsel, brought forward an Agreed order for Angela Brown, DPO. Ms. Hodge distributed the copy of the Agreed Order for the board to review which assesses Ms. Brown a \$500 civil penalty and six additional hours of continuing education for a non-compliance with the 2002 and 2003 continuing education audit.

Ms. Moyer made a motion, seconded by Ms. Hawkins, to accept the Agreed Order. The motion carried.

Office of General Counsel Report

Ms. Armstrong said Rule 0480-1.15 regarding Orders of Modification and Compliance and personal appearances by disciplined licensees became effective November 6, 2004. Ms. Armstrong said that Rule 0480-1-.12; regarding CE provider documentation of pending/past ABO/NCLE approval became effective December 26, 2004.

Ms. Armstrong stated there are six open files pertaining to the Board of Dispensing Opticians, none of which are scheduled for presentation at today's meeting.

Investigative Report

Ms. Burk said 2 complaints were received, in November for a total of 11 complaints year to date. Ms. Burk said eight (8) complaints were closed, five (5) with no action, one (1) with a letter of warning and two (2) being referred to the Office of General Counsel.

Ms. Burk said there are 7 unlicensed practice and 4 other. There can be more than one allegation for a complaint.

Disciplinary Report

Ms. Burk reviewed the disciplinary report stating there is one Dispensing Optician serving one year probation upon reinstatement. Ms. Burk reviewed the list of all disciplined practitioners since December 21, 2004.

Financial Report

Ms. Burk reviewed the financial report, which indicates the board has revenues in the amount of \$158,211, which in part will go toward the new RBS system and the move to Metro Center.

Administrative Report

Ms. Burk said there are 817 active, 177 retired, 353 failed to renew dispensing opticians, and 154 active apprentices. Ms. Burk said the performance measures remain the same; and the board is in good standing. Ms. Burk said between October 15, 2004 and December 30, 2004, 82 licensees have renewed their license, 7 have renewed their license online.

Ms. Burk reminded the board that travel requests must be submitted for approval 120 days prior to the travel time.

Ms. Burk said of the 824 licensees audited for continuing education compliance 524 were acceptable, 280 were unacceptable and 101 did not respond.

Jerry Kosten, Rules Coordinator

Mr. Kosten said a rulemaking hearing was conducted on December 16, 2004, to amend Rule 0480-1-.05, procedures for licensure, to direct applicants to the board's web page on the internet to obtain an application for licensure. Mr. Kosten said the amendment also requires the applicant to submit two letters of recommendation, one of which shall be from a current or former employer, and neither shall be from a spouse or relative.

Mr. Kosten said Rule 0480-1-.10, supervision, is amended to require licensed dispensing opticians to deliver contact lenses to the patient and inform of the potential need to return to the office of the ophthalmologist or optometrist to ascertain proper fitting and for follow-up care.

Mr. Kosten said Rule 0480-1-.11, retirement and reactivation of license, is amended to require an applicant whose license has been revoked, suspended, or retired for three years or more to apply, take and pass the examinations as required by the board pursuant to Rule 0480-1-.08 prior to being considered for reinstatement.

Mr. Kosten said that Rule 0480-1-.12, continuing education, is amended to require licensees to maintain appropriate documentation for continuing education courses that must include the date, location, and the total time transpired.

Mr. Kosten said that Rule 0480-1-.14, Apprenticeship Training Program, is amended by having the board administrator notify the apprentice when the supervisor, the training program, the training setting program have been approved and the training program start date.

Mr. Kosten said he received a letter from Franklin Rozak, NAOO, requesting to put language in regarding the psychometric soundness of the examination. Mr. Kosten said the language does not need to be in the rules as the Department of Health will not let them adopt an exam unless it were psychometrically sound.

Ms. Moyer made a motion, seconded by Ms. Stacey, to adopt the rules as amended. A roll call vote was conducted and all board members voted in the affirmative. The motion carried.

Mr. Godsey said he met with Brenda Newson, Lisa Tittle and Robbie Bell who are drawing up a draft of a contract for the practical exam. Mr. Godsey said the board could have a new practical exam by the first of next year.

Mr. Kosten discussed the proposed mandatory criminal background checks for all new applicants, stating the issue resulted from the audit conducted by the Office of the

Comptroller of the Treasury. Mr. Kosten said the background check will be a nationwide FBI and TBI search at a cost of \$56 to the applicant.

Ms. Moyer made a motion, seconded by Ms. Hannah to accept the rulemaking of the criminal background checks. The motion carried.

Other Board Business

Ms. Moyer discussed the National Committee State Optician Regulatory Board meeting held in conjunction with the OAA and the Society of Dispensing Opticians on October 22-24 in Lexington, KY. Ms. Moyer said Tennessee, Kentucky, Georgia, South Carolina, North Carolina, Florida, Ohio, New York, Arkansas, Massachusetts, New Jersey and Virginia were represented. Ms. Moyer said Michael Higgins was elected chairman, Jerry Hines vice chair, ABO Representative, Steve Sanford, and NCLE Representative Grimbale Smith.

Discuss the Procedures for Proctoring Oral Exam

Mr. Godsey said there are some problems with the noise level in the testing area and the applicants need total respect and quiet.

Upon conclusion, Ms. Moyer made a motion, seconded by Ms. Hannah, to adopt the practical test procedures pertaining to noise. The motion carried.

Review Consultant Policy

The board tabled the review of the consultant policy until the March 30, 2005 meeting.

Continuing Education

Upon discussion of the continuing education requirements, Ms. Hawkins made a motion, seconded by Ms. Hannah to require four (4) hours of spectacle, two (2) hours of contact lenses and two (2) hours of either ABO/NCLE. The motion carried.

The board also requested Ms. Armstrong to discuss with the Office of General Counsel and Ms. Bell the possibility of board members attending continuing education courses they are unfamiliar with to monitor the course.

State Travel

Ms. Burk said the mileage for in-state travel has been increased to \$.38 per mile.

Review and Ratify new licensees, files , reinstatements, etc.

Newly Licensed

Ms. Hawkins made a motion, seconded by Ms. Moyer, to ratify the following newly licensed dispensing opticians:

Dixie Armstrong
Barbara Bolder
Bethanne Brewer
Sherry Hardebeck
Daniel Joseph Waine

The motion carried.

Files to be approved

None

Reinstatements

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the following reinstatements:

Linda Gayle Heicher
Pamela Jones Basler
Linda C. Campbell
Gillian Todd Parrish

The motion carried.

Correspondence

The board received a letter from Melissa Dawn Smith (Nichols) requesting her apprentice file remains open. Ms. Burk said Ms. Nichols file expired due to not receiving the required apprenticeship documents and her file was destroyed. Ms. Burk stated she informed Ms. Nichols she must reapply per the rules.

Ms. Armstrong said Ms. Nichols was sent a letter the early part of 2004 regarding her apprentice file but waited until December of 2004 to respond.

Ms. Moyer made a motion, seconded by Ms. Hawkins, to deny the request, tell her to start over. The motion carried.

The board reviewed a letter from Patti Caylor requesting a wavier of continuing education hours for 2004 due to illness.

Upon review, Ms. Moyer made a motion, seconded by Ms. Hannah, to waive continuing education hours. The motion carried.

Individual/Provider request for approval or waive continuing education

Ms. Hannah made a motion, seconded by Ms. Moyer, to accept the following Learning Curve Continuing Education.

The Learning Curve – Feb 20, 2005 – Memphis TN Feb 27, 2005 – Nashville TN
(Recd 12/6/04) Mar 6, 2005 – Cookeville TN Mar 20, 2005 – Knoxville TN
April 3, 2005 – Chattanooga TN April 10, 2005 – Johnson City TN
Nov 13- 2005 – Cookeville TN

The motion carried.

Ms. Stacey made a motion, seconded by Ms. Hawkins, to approve the following Midwest Vision Congress Exposition, pending ABO/NCLE approval.

Midwest Vision Congress Exposition – May 12-15, 2005, Rosemont IL (Recd 11/30/04)
(Recd 11/1/04)

The motion carried.

Ms. Hannah made a motion, seconded by Ms. Stacey, to approve the following Remote Area Medical Expedition.

The Remote Area Medical Expedition Schedule for 2005 (J Frank Adkins)

The motion carried.

Ms. Stacey made a motion, seconded by Ms. Moyer, to approve the following Vision Council of America pending ABO/NCLE approval.

Vision Council of America – March 10-13, 2005 New York NY

The motion carried.

Ms. Hannah made a motion, seconded by Ms. Hawkins, to approve the National Academy of Opticianry continuing education with the exception of the Manager's guide to Florida Law and Rules. The motion carried.

Ms. Hawkins made a motion, seconded by Ms. Moyer, to approve the following Quantum Learning Group for continuing education.

Quantum Learning Group (First Vision Media Group, Inc.) All ABO/NCLE approved.
March 6. 2005 in Memphis TN
(RECD 12/9/04)

The motion carried.

Ms. Moyer made a motion, seconded by Ms. Hawkins, to approve the following SECO International, based on ABO/NCLE approval.

SECO International, LLC
Feb 23-27, 2005 Georgia World Congress Center
(RECD 11/22/04)

The motion carried.

Ms. Moyer made a motion, seconded by Ms. Hawkins, to approve the Tennessee Dispensing Opticians for continuing education. The motion carried.

With no other board business to conduct, Ms. Moyer made a motion, seconded by Ms. Hannah, to adjourn. The motion carried and the board meeting adjourned at 11:50a.m.

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